

AMENDED IN SENATE JULY 2, 2008
AMENDED IN SENATE JUNE 18, 2008
AMENDED IN ASSEMBLY MAY 28, 2008
AMENDED IN ASSEMBLY APRIL 8, 2008
AMENDED IN ASSEMBLY MARCH 24, 2008
CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2052

Introduced by Assembly Member Lieu

February 19, 2008

An act to add Section 1946.7 to the Civil Code, relating to tenancies.

LEGISLATIVE COUNSEL'S DIGEST

AB 2052, as amended, Lieu. Residential tenancies: domestic violence.

Existing law governs the renewal and termination of a lease of real property based on the terms of the lease, or on the behavior of the parties.

This bill would authorize a tenant to notify the landlord in writing that he or she or a household member, as defined, was a victim of an act of domestic violence, sexual assault, or stalking, as defined, and intends to terminate the tenancy. The bill would require the tenant to attach a copy of a temporary restraining order or emergency protective order, or a copy of a specified written report by a peace officer, to the notice. The bill would authorize the tenant to quit the premises and the tenant would be discharged from payment of rent for any period following 30 days from the date of the notice, or as specified. The bill would provide that the notice to terminate the tenancy ~~may~~ *shall* be

given within 60 days of the date the order was issued or the report was made, or as specified.

The bill would provide that other tenants, except a household member who is a victim of domestic violence, sexual assault, or stalking and members of that person's family, are not released from their obligations under the rental agreement.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1946.7 is added to the Civil Code, to
2 read:

3 1946.7. (a) A tenant may notify the landlord that he or she or
4 a household member was a victim of an act that constitutes an act
5 of domestic violence as defined in Section 6211 of the Family
6 Code, sexual assault as defined in Sections 261, 261.5, 262, 286,
7 288a, or 289 of the Penal Code, or stalking as defined in Section
8 1708.7, and that the tenant intends to terminate the tenancy.

9 (b) A notice to terminate a tenancy under this section shall be
10 in writing, with one of the following attached to the notice:

11 (1) A copy of a temporary restraining order or emergency
12 protective order lawfully issued pursuant to Part 3 (commencing
13 with Section 6300) or Part 4 (commencing with Section 6400) of
14 the Family Code, Section 136.2 of the Penal Code, Section 527.6
15 of the Code of Civil Procedure, or Section 213.5 of the Welfare
16 and Institutions Code that protects the tenant or household member
17 from further domestic violence, sexual assault, or stalking.

18 (2) A copy of a written report by a peace officer employed by
19 a state or local law enforcement agency acting in his or her official
20 capacity, stating that the tenant or household member has filed a
21 report alleging that he or she or the household member is a victim
22 of domestic violence, sexual assault, or stalking.

23 (c) The notice to terminate the tenancy ~~may~~ *shall* be given within
24 60 days of the date that any order described in paragraph (1) of
25 subdivision (b) was issued, within 60 days of the date that any
26 written report described in paragraph (2) of subdivision (b) was
27 made, or within the time period described in Section 1946.

28 (d) If notice to terminate the tenancy is provided to the landlord
29 under this section, the tenant shall be responsible for payment of

1 rent for 30 days following the giving of the notice, or within the
2 appropriate period as described in Section 1946, and thereafter
3 shall be released from any rent payment obligation under the rental
4 agreement without penalty. Existing law governing the security
5 deposit shall apply.

6 (e) If within the 30 days following the giving of the notice under
7 this section the tenant quits the premises and the premises are
8 rented to another party, the rent due on the premises for that 30-day
9 period shall be prorated. Existing law governing the security
10 deposit shall apply.

11 (f) Nothing in this section relieves a tenant, other than the tenant
12 who is, or who has a household member who is, a victim of
13 domestic violence, sexual assault, or stalking and members of that
14 tenant's household, from their obligations under the rental
15 agreement.

16 (g) "Household member" as used in this section means a member
17 of the tenant's family who lives in the same household as the
18 tenant.